

### REMARKS

The Office Action has been reviewed and the Examiner's comments carefully considered. Claims 1-22 are canceled. Claims 23-42 are added. Thus, claims 23-42 remain pending and are submitted for reconsideration.

#### Foreign Priority

The acknowledgement of the receipt of the certified copy of the priority document, German Application DE 203 04 056.2, filed March 5, 2003, is respectfully requested. The certified copy of the priority document was filed on June 8, 2006.

#### Rejection of Claims 1-22 based on Prior Art

Claims 1-9, 13-14, 16, and 20-22 are rejected under 35 U.S.C. § 102(b) as being anticipated by Japanese reference 405139231 ("Ishikawa"). Claims 10-12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ishikawa in view of U.S. Application Publication 2003/0178819 ("Schneider"). Claims 15 and 17-19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ishikawa. Claims 1-22 are canceled, which renders these rejections moot. Favorable reconsideration is respectfully requested.

#### Allowability of Claims 23-42

Claim 23-42 are added, and allowable because the prior art fails to disclose, teach, or suggest the claimed invention.

For example, claim 23 recites an "air bag covering device comprising: a cover cap with tear-open edges; and a decorative element fastened to the cover cap and covers at least one tear-open edge, wherein the decorative element comprises predetermined breaking points at locations where the decorative element covers the at least one tear-open edge." Neither Ishikawa, Schneider, nor any combination thereof discloses or suggests these features. In particular, Ishikawa discloses a decorative mark 14 on a pad 11. The pad 11 includes a fracture section 13A. However, the decorative mark does not include any predetermined breaking points at locations where the decorative mark covers tear-open edge of the cover cap. Indeed, the decorative mark 14 does not have any predetermined breaking points at all but is designed to stay intact upon deployment of the airbag and to remain attached to one side of the pad 11 as seen in FIG 1 of Ishikawa.

As to the assertion in paragraph 2 of the Office Action that Ishikawa teaches a decorative element 14 including predetermined breaking points 13A, it is respectfully submitted that Ishikawa does not provide such a teaching. In particular, the fracture section 13A is not part of the decorative mark 14 but is a part of the pad 11. In addition, new claim 23 requires a cover cap with at least one tear-open edge and a decorative element. If the decorative mark 14 is interpreted to be the decorative element, the requirements of claim 23 are not satisfied because the decorative mark 14 has no predetermined breaking points. If the pad 11 is interpreted to be the decorative element, the requirements of claim 23 are not satisfied because there is no cover cap with at least one tear-open edge. Thus, Ishikawa fails to disclose, teach, or suggest predetermined breaking points at locations where the decorative element covers the at least one tear-open edge of the cover cap. It is also noted that Schneider does not cure this deficiency. Therefore, new claim 23 is not rendered unpatentable over the prior art.

Claims 24-42 depend from and contain all the limitations of claim 23 and are allowable therewith for at least the reasons set forth above without regard to the further patentable limitations contained therein.

#### Conclusion

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date

11/17/2006

By

HN Shipley

FOLEY & LARDNER LLP  
Customer Number: 22428  
Telephone: (202) 672-5582  
Facsimile: (202) 672-5399

Howard N. Shipley  
Attorney for Applicant  
Registration No. 39,370



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## Office Action

### Reasons of Rejection

**Filing serial No.:** 2004-101293  
**Issued on** August 17, 2006  
**Delivered on** August 21, 2006  
**Examiner:** Yukinobu ISHIIHARA  
**Type:** Non-Final Office Action

This patent application is to be rejected based on the following grounds. When the applicant wishes to respond to this Office Action, the applicant is requested to file communication to the JPO within 3 months from the delivery date of this Office Action.

#### [Reason 1]

##### References cited

- D1: Japanese Patent laid-open Publication No. 11-321516 ✓
- D2: Japanese Patent laid-open Publication No. 10-029488 ✓
- D3: Japanese Patent laid-open Publication No. 2002-514544 ✓
- D4: Japanese Patent laid-open Publication No. 2000-071926 ✓
- D5: Japanese Patent laid-open Publication No. 2000-118344 ✓
- D6: Japanese Patent laid-open Publication No. 2001-162997 ✓

##### • Remarks

Claims 1, 3 to 7, 9, 12, 13, 20 and 22 should be rejected as lacking novelty over D1.

D1 discloses in FIG 4, FIG 6 and [0026] features of slit 34, retaining plate 30 and marking member 22, pad cover 12, tear region 13A, notch 36 and an opening.

The slit 34 is considered to correspond to “breaking points” according to the invention. The retaining plate 30 and marking member 22 is considered to correspond to “decorative element” according to the

invention, the pad cover 12 to "cover cap", the tear region 13A to "tear-open edge", the notch 36 to "continuous perforation", the opening to "perforation", the marking member 22 to "carrier material", the retaining member 30 to "covering layer", the slit 34 "tear open section".

**Claims 1, 2, 4, 5, 15, 20 and 22** should be rejected as lacking novelty over D2.

D2 discloses features of line 5, ornament 3, 4, airbag cover 2 and tear line 6.

The line 5 is considered to correspond to "breaking point (and breaking opening)" according to the invention, the ornament 3, 4 to "decorative element", the airbag cover 2 to "cover cap", the tear line 6 to "opening edge".

**Claims 8 and 10** should be rejected as lacking inventive step over D1 in view of D3.

D3 discloses in FIG. 4B an opening 40 extending from the backside of the decorative element (cover 26) to the upper side region of the decorative element. Further, D3 discloses in [0026] an continuous perforation (opening 40) is provided by utilizing a laser.

**Claim 11** should be rejected as lacking inventive step over D1 in view of D4.

D4 discloses in [0034] an opening 16a that is provided by utilizing ultrasonic.

**Claims 16, 17 and 19** should be rejected as lacking inventive step over D1 in view of D5.

D5 discloses in [0015] that a decorative element (ornament 2) is made of a material same with the one of the cap of the airbag.

Further, D5 discloses in [0019] that metal layer 31 is provided on the surface of the decorative element 2 by a spattering and that the surface of the decorative element is lacquered.

**Claim 18** should be rejected as lacking inventive step over D1 in view of D6.

D6 discloses in [0023] that the surface of the decorative element is provided with an electroplated coating.

**Claim 21** should be rejected as lacking inventive step over D1.

It is only a design selection for a skilled person to change the number of breaking openings from three to four.

**[Reason 2]**

This patent application does not meet the requirement of second paragraph of the Article 36 (6) of the Japanese Patent Law due to following reasons:

**Re. Claims 13, 14 and 16:**

Claims 13, 14 include a feature of material weakening. However, such feature is not included in Claim 1, 9, 10 which are the antecedent claims of Claims 13, 14.

Claim 16 includes a feature that the decorative element comprises airbag cap material. However, it is unclear as to whether the object of Claim 16 is decorative element or entire cover including the decorative element.